

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1932.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	June 24, 2002
DATE OF REPORT:	July 19, 2002
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	August 12, 2002

COMPLAINT ISSUES:

Whether the North Miama School Corporation and the Logansport Area Joint Special Services Cooperative violated:

511 IAC 7-29-5 by failing to conduct a functional behavior assessment within ten business days after first suspending the student for more than ten cumulative instructional days in a school year.

FINDINGS OF FACT:

1. The student (Student) is 12 years old, is in the 7th grade, and is eligible for special education and related services as a student with an emotional disability.
2. The Student was suspended for half of the instructional day on October 12, 2001. The Student was suspended on May 10 and May 13, 2002 for a full instructional day each day.
3. On October 17, 2001, the Student left School without permission. The principal reports that the Student's return to School was contingent on the Complainant scheduling a conference with the Student and both parents in attendance. The Complainant states that the principal also required the Student to attend counseling. However, the principal disagrees that counseling was a prerequisite for returning to school, and reports that he assisted the Complainant in obtaining counseling for the Student on October 17 when the Complainant confirmed that she would like such assistance. On October 23, 2001, after the counseling session, the Complainant contacted the School to schedule the conference for the next day. The Student returned to School on October 24. The School recorded the Student absent, rather than suspended on October 18, 19, 22, and 23, 2001.

CONCLUSIONS:

Findings of Fact #2 and #3 reflect that the Student was formally suspended on October 12, 2001, and May 10 and 13, 2002. Finding of Fact #3 also indicates that the Student was precluded from attending School subsequent to October 17, 2001, and that the Student's return to School was dependent upon the Complainant scheduling a conference with the School. The Student's absences on October 18, 19, 22, and 23, 2001, are considered days of suspension as defined by 511 IAC 7-29-1. Findings of fact #2 and #3 establish that the Student was suspended from school for a total of 7 instructional days during the 2001-2002 school year. The School is not required to convene the CCC and develop a plan for

conducting a functional behavioral assessment until after the 10th cumulative day of suspension.
Therefore, no violation of 511 IAC 7-29-5 is found.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.